REMARKS

The Office Action dated July 17, 2007 has been carefully reviewed. Claim 7 has been amended to address a typographical error inadvertently inserted in the previous amendment. Reexamination of the pending claims is requested in light of the remarks presented below.

Office Action

In the Office Action dated July 17, 2007, the Examiner rejected claims 1 and 13 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement in failing to describe how to determine if a generated new user profile history is from the same user or a different user. Claims 1 and 13 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because it is not clear how the generated user identifier key indicates that the generated user profile history is associated with a user that is different from a user associated with the key stored in the memory. The Examiner also rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Blasko (US 2001/0049620, "Blasko"). For reasons set forth more fully below, Applicant submits that all grounds of rejection have been adequately addressed by the Applicant and the claims are in condition for allowance.

Section 112 Grounds of Rejection

In the rejection under section 112, first paragraph, the Examiner asserts that the specification fails to describe how to determine if a generated new user

profile history is from the same user or from another user. In response, the Applicants direct the Examiner's attention to pages 20 and 21 of the specification. Page 20, lines 9-14 discloses the comparison of a generated user profile with a previously generated profile history for the same key. The two profiles are determined to be different enough to warrant separation if the correlation degree does not exceed a threshold. Page 21, line 16 to page 22, line 4 describes the types of data that are compared to generate a correlation score for purposes of determining whether the users generating the profile history data are different. Applicants submit that this description is adequate to enable one of ordinary skill in the art to practice the invention.

With regard to the section 112, second paragraph rejection, the Examiner stated that the association of the generated user profile history with a user that is different than a user associated with a stored user profile history was indefinite because "it is not clear how the generated user identifier key indicates that the generated user profile history is associated with a user that is different from a user associated with the key stored in the memory." Applicants submit that the phrase in claim 1, "the generated user identifier key indicating the generated user profile history is associated with a user that is different than a user associated with the key stored in the memory" recites a limitation regarding the generated user identifier key. Thus, it identifies a feature or element embodied in the generated user identifier key. The limitation does not have to teach how the limitation is achieved. That aspect is taught by Applicants' specification at page 22, lines 2-6. There, the generation of a user identifier key is disclosed with

reference to two sets of profile data that have been determined to be different on the basis of the low correlation between the two sets. Using different sets of data to generate different keys for accessing the data are known. Thus, one of ordinary skill in the art would know, for example, that the two sets of data may be processed by a hashing function to generate a key for the data. Applicants submit that the limitation in the claim, therefore, is not indefinite and it is adequately supported by the specification.

Section 102(e) Ground of Rejection

The Examiner has rejected all of the pending claims as being anticipated by Blasko. Applicant agrees with the Examiner that the Blasko reference does relate to the generation and storage of profile data. Applicant disagrees, however, that Blasko teaches each and every limitation of the pending claims. Furthermore, Applicant submits that Blasko does not suggest all of the limitations in the pending claims. Therefore, Blasko neither anticipates nor renders obvious Applicant's claimed invention and all of the pending claims are patentable over the references of record, either alone or in combination.

The Examiner's arguments supporting his rejection are based upon readings of limitations in claims 1 and 13 that ignore the requirement that the generated user profile history is determined to be for a user that is different than the user associated with a user profile history stored with a key corresponding to the same terminal that sent the profile data used to generate the generated user profile history. Likewise, the Examiner interprets the limitation in the claim to

avoid the requirement that the a user identifier key is generated that indicates the user associated with the generated user profile history is different than the user associated with the stored user profile history to which the generated user profile history was compared. Only by reading these limitations out of the claims is the Examiner able to find that Blasko anticipates the pending claims. Applicants respectfully submit that when the user profile generator of claim 1 is read with the limitation that "the generated user identifier key indicat[es] the generated user profile history is associated with a user that is different than a user associated with a key stored in the memory," the claim is neither anticipated nor rendered obvious by Blasko.

In a similar manner, when claim 13 is read with the limitation that "generating a user identifier key" occurs in response to "the extracted profile data failing to correlate to the user profile history stored in the memory in association with the key stored in the memory," the claim is neither anticipated nor rendered obvious by Blasko. Blasko does not compare extracted profile data to a stored profile to determine whether a new user identifier key should be generated and then used to stored a new generated profile history in association with a key for the terminal that sent the data from which the user identifier key and new generated user profile history was generated. The "for purpose of art rejection" statements made by the Examiner in the section 112, second paragraph ground of rejection indicate an interpretation of the limitations that does not comport with Applicants' claim language and specification. Applicants request that the Examiner properly interpret the limitations and compare the claims so interpreted

to Blasko. In light of this request, the Applicants reiterate their previously stated positions regarding Blasko.

Claim 1

The Examiner has failed to prove that the Blasko reference discloses:

a user profile generator for generating a user profile history from the extracted profile data and a user identifier key from the key data in response to the key data corresponding to a key stored in the memory and the extracted profile data not corresponding to the user profile history stored in the memory in association with the key that corresponds to the key data, the generated user identifier key indicating the generated user profile history is associated with a user that is different than a user associated with the key stored in the memory.

This limitation requires the user profile generator to generate a user profile history from the extracted profile data *and* a user identifier key from the key data in response to the key data corresponding to a key stored in memory *and* the extracted profile data not corresponding to the user profile history stored in association with the key that corresponds to the key data. That is, the user profile generator makes a user profile history *and* a user identifier key if the key data corresponds to a key in memory, but the extracted profile data does not correspond with a user profile history already stored in the memory in association with the key that corresponds to the key data. Blasko does not teach a user profile generator that performs this task in response to this condition.

The ability to generate a user identifier key and a user profile history in response to key data corresponding to an existing key stored in memory, but the extracted profile history indicating it was generated by a user having different preferences enables the user profile generator to detect a new user at a device

for which a user profile history has been previously stored and to identify the new user in a unique manner. Blasko does not teach the limitation that enables this feature.

Blasko's Other Teachings Do Not Teach The Missing Limitation

Although Blasko does state that a current profile vector may be compared to one or more stored profile vectors, *Blasko*, paragraph 56, it does not teach that, in response to a stored key corresponding to key data and the user profile history stored in associated with the stored key not corresponding with extracted profile data, a user identifier is generated from key data obtained from user activity data *and* a profile history is generated from extracted profile data. Blasko's teachings regarding the comparison performed by his system are contained in paragraphs 21 and 53. These descriptions provide that after a profile vector is assigned a transaction ID, it is evaluated for selection of an advertisement. The evaluation may include comparing the current profile vectors against previously stored profile vectors using collaborative filtering techniques. The aggregation of profile vectors for a user is indexed with a profile ID. This description indicates the evaluator sends a profile history with a user identifier to a correlation server for processing to correlate user identification with identification for previously stored profile vectors. Thus, Blasko teaches that user identification may be used to correlate a current profile vector with a profile vector for a group of previously stored profile vectors so the content of a current profile vector may be integrated with the previously stored profile vectors indexed

with the profile ID. However, this portion of Blasko does not teach generation of a user identifier from key data obtained from extracted profile data and generation of a user profile history from extracted profile data in response to a determination that the key data corresponds to a stored key, but the extracted profile data does not correspond to a user profile history stored in association with the key that corresponds to the key data.

Blasko teaches the concept of integrating extracted profile data with previously stored profile vectors, but does not teach the storage of a user profile history generated from the extracted profile data in association with a user identifier generated from key data after detecting that previously stored profile vectors stored in association with a profile ID, which corresponds to the key data, do not correspond with the extracted profile data. As discussed in Blasko, profile vectors may be updated by replacing older data with more recent data or by more heavily weighting recent data to skew the profile vector towards current transactions. *Blasko*, paragraphs 80 and 125. If a user aggregates his or her data, then the collection may be sold, but the user's editing of the profile vectors is not performed with a user profile generator as set forth in claim 1. *Blasko*, paragraph 84.

For at least these reasons, claim 1 is patentable over all references of record, either alone or in combination.

Claims 2-4 and 8-9

Claims 2-4 and 8-9 depend from claim 1 and, therefore, contain the limitations discussed above with respect to claim 1. Consequently, these claims are patentable for similar reasons.

Claim 5

Claim 5 depends from claim 1 and is patentable for the reasons discussed with regard to that claim. Additionally, claim 5 requires that a low degree of correlation between a site identifier and a resource identifier in the extracted profile data be detected with respect to site identifiers and resource identifiers in a user profile history. This claim specifically teaches that profile data extracted from the user activity data are compared to stored profile data to determine whether to generate a user profile history *and* a user identifier key. Blasko does not teach this comparison of profile data as noted above. Additionally, Blasko teaches that correlation is based upon key comparison only. Specifically in paragraph 66 and 67, the transaction identifier of Blasko is used to determine whether profile vectors are stored in a currently existing profile history or in another profile history. There is no teaching or suggestion in Blasko to compare the profile histories themselves. Moreover, Blasko only generates a key *and* a profile history when it cannot locate a key that corresponds to the key in the received messages. Applicant's invention generates a key and a profile history in response to a correspondence between key data and a key stored in the memory and an absence of correspondence between extracted data and profile

data stored in association with the key that corresponds to key data obtained from user activity data. That is, Applicant's system is capable of generating a separate profile history from extracted profile data and generating a user identifier key from key data in response to the key data corresponding to a stored key while the extracted profile data and the user profile history stored in association with the stored key demonstrate a low degree of correlation. For at least these reasons, claim 5 is patentable over Blasko and the other references of record, either alone or in combination.

Claims 6 and 10-11

Claims 6 and 10-11 depend from claim 5 and, therefore, include the limitations of claim 5. Consequently, these claims are patentable for the reasons discussed with respect to that claim.

Claims 7, 12, 19, and 24

Claims 7 and 19 require the user identifier of claim 1 or the user identification of claim 13, respectively, to determine which one of at least two user profile histories corresponds with the extracted profile data so advertising can be selected that corresponds to the user that generated the extracted profile data. The two user profile histories are stored in the memory in association with separate keys, each of which is associated with a computer identifier for the terminal that was used to generate the user activity data. Blasko does not teach or suggest a user identifier at a server site being used to determine a level of

correspondence between extracted profile data and two profile histories stored in relationship to a single transaction identifier. Instead, the system of Blasko only compares the keys and stores two separate profile histories under two separate transaction identifiers using personal information to generate the two separate keys. The separate profile vectors may be stored aggregately in association with a profile ID, but they are not used to identify different users of the same terminal. Instead, as discussed above, Blasko may give more weight to recent usage profile data over less recent usage profile data so the selected advertisement corresponds to a current user, but that is not a selection of an advertisement based upon a determination that extracted profile data is more like one profile history associated with a computer identifier than another profile history associated with the same computer identifier. Thus, Blasko does not evaluate the level of correspondence between data generated by a user of a terminal or account and profile data stored in memory as Applicant's system does. For at least these reasons, claims 7 and 19 are patentable over Blasko and the other references of record, either alone or in combination.

For similar reasons, claims 12 and 24 are also patentable over Blasko and the other references of record. Specifically, claims 12 and 24 require the user identifier to be able to differentiate between two profile histories associated with a television terminal. Again, Blasko uses different weights for different types of data associated with the single television terminal to determine what advertising to select, (Blasko, ¶ 69). Blasko operates in this manner because it has only one profile ID for storing multiple profile vectors for a set top box, but

the system of Blasko assumes a single user for the television terminal. The weighting is Blasko's approach for selecting advertising that conforms to the preferences of the current user. Applicant's invention, on the other hand, is able to generate a profile history for *each* user it detects using the same terminal and to associate each profile history with a single television terminal. Therefore, the user identifier of Applicant's invention is required to be capable of determining which user is accessing the server through the television terminal.

Claim 13

Claim 13 is an independent method claim that includes the functions performed by the system components as recited in claim 1. For at those reasons, claim 13 is patentable over Blasko and the other references of record, either alone or in combination.

Additionally, claim 13 requires that the user profile history generated from the profile data extracted from the user activity data be stored in association with *both* the user identifier key and the key stored in memory. That is, the generated user profile history is associated with both a user of a terminal and a key that corresponds to a terminal identifier. Performing the process in this manner enables Applicant's method to differentiate between different users of the same terminal or account. Blasko is unable to differentiate users without personal, private information being used as a key or transaction identifier. Blasko fails to teach that multiple users of a single terminal may be grouped in a collection of profile vectors indexed with a single profile ID so different users of the terminal

may be detected by comparing a current profile vector with a previously stored profile vector. Consequently, Blasko does not disclose each and every limitation of claim 13 nor does it suggest the method as set forth in claim 13. For at least these reasons, claim 13 is patentable over Blasko and the other references of record, either alone or in combination.

Claims 14-15

Because claims 14-15 depend from claim 13, they include the limitations of claim 13. Therefore, they are patentable for at least the same reasons as those stated above with respect to claim 13.

Claim 16

Claim 16 depends from claim 13 and, therefore, is patentable for at least the reasons discussed above with respect to that claim. Additionally, claim 16 requires that a site identifier and a resource identifier in the extracted profile data be compared with site identifiers and resource identifiers in profile histories that are stored in the memory. As noted above, Blasko does not teach or suggest the comparison of extracted profile data to stored profile data, much less the comparison of these particular data elements. Consequently, claim 16 is patentable over Blasko and the other references of record, either alone or in combination.

Claims 18 and 22-23

Claims 18 and 22-23 also depend, directly or indirectly, from claim 16 and are patentable for the reasons already noted with respect to claim 16.

Claim 17

Claim 17 depends from claim 16 and is patentable for the reasons discussed with regard to claims 16 and 13. Additionally, claim 17 requires that a low degree of correlation between a site identifier and a resource identifier in the extracted profile data be detected with respect to site identifiers and resource identifiers in a user profile history. This claim specifically teaches that profile data extracted from the user activity data are compared to stored profile data to determine whether to generate a user profile history *and* a user identifier key. Blasko does not teach the comparison of extracted profile data to stored profile data as noted above. Additionally, Blasko teaches that correlation is based upon key comparison only. Specifically in paragraphs 66 and 67, the transaction identifier of Blasko is used to determine whether profile vectors are stored in a currently existing profile vector or in another profile vector. There is no teaching or suggestion in Blasko to compare extracted data to data stored in the profile vectors themselves. That is, Applicant's method is capable of generating a separate profile history for a user generating activity data and link the new history to an existing history through a relationship between the newly generated key and the existing key. For at least these reasons, claim 17 is patentable over Blasko and the other references of record, either alone or in combination.

Claim 20

Claim 20 depends from claim 16 and is patentable for at least the reasons discussed with respect to that claim. Additionally, claim 20 requires that the comparison of site identifiers in the extracted profile data to the site identifiers in the user profile histories compare cookies. Blasko does not teach the comparison of regarding cookies in extracted profile data with cookies in stored profile data. This difference is an additional ground for the allowance of claim 20 over the references of record.

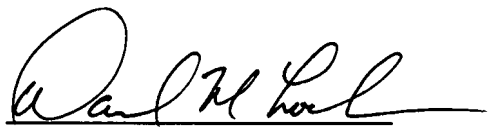
Claim 21

Claim 21 depends from claim 16 and is patentable for at least the reasons discussed with respect to that claim. Additionally, claim 21 requires that the comparison of site identifiers in the extracted profile data and the user profile histories compare IP addresses. Blasko does not teach the comparison of regarding IP addresses in extracted profile data with IP addresses in stored profile data. This difference is an additional ground for the allowance of claim 21 over the references of record.

CONCLUSION

In view of the foregoing, Applicants submit that this application is in condition for allowance. Therefore, Applicant respectfully requests reexamination and allowance of all pending claims 1-24.

Respectfully submitted,



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